

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
) No. 4:21-cr-00152-05-DGK
v.)
)
DEREK A. HENDERSON,)
)
Defendant.)

**ORDER ADOPTING REPORT AND RECOMMENDATION CONCERNING
DEFENDANT'S RESTORED COMPETENCY**

On October 3, 2022, the Court remanded Defendant to the custody of the Attorney General for hospitalization and treatment for up to 120 days to determine whether there was a substantial probability that in the foreseeable future the defendant would attain the capacity to permit the trial to proceed. After an extended period of treatment, on May 3, 2024, the Court received a forensic report from Dr. Marina Mukhin, Psy.D., opining that although Defendant still suffers from a mental disease or defect, the symptoms are no longer sufficiently severe to render Defendant incompetent to proceed.

On June 5, 2024, Magistrate Judge Brian Gaddy held a competency hearing and issued a report and recommendation, ECF No. 261, finding Defendant is now competent to proceed. Neither party objected to this report and recommendation.

After making an independent review of the record, it is
ORDERED that the Report and Recommendation of Magistrate Judge Brian Gaddy is adopted in its entirety, and this court finds Defendant is competent to proceed.

IT IS SO ORDERED.

Date: June 20, 2024

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT